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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

APR 13 2012

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-127

**Certified Mail Number 7011 1150 0000 7954 2452**  
**Return Receipt Requested**

James Cagle, Risk Manager - EHS  
Nu-West Industries, Inc.  
Agrium Conda Phosphate Operations  
3010 Conda Road  
Soda Springs, Idaho 83276

Re: Draft Section 3 (Soil Investigation and Evaluation of Results) and Section 10.1 (Supplemental Soil Investigation) Site Assessment Report and Supplemental Site Investigation Work Plan, April 15, 2011 report;  
Nu-West Industries, Inc. Conda Phosphate Operations Facility, Soda Springs, Idaho;  
RCRA Section 3013 Administrative Order on Consent, EPA Docket No. RCRA-10-2009-0186

Dear Mr. Cagle:

This letter is a follow up to our conference call on March 14, 2012, discussing the results of the on-site sampling conducted by Nu-West Industries (Nu-West). This letter also provides the results of EPA's review of the Draft Supplemental Soil Investigation, which is Section 10.1 of the Supplemental Site Investigation Work Plan, and was submitted pursuant to the above referenced Order. The Draft Supplemental Soil Investigation Work Plan was submitted in accordance with the schedule for submitting that component of the Supplemental Work Plan approved by EPA by letter dated February 17, 2011. This letter provides comment only on Section 10.1 of the Supplemental Work Plan (Supplemental Soil Investigation). EPA review has not been completed on the Draft Site Assessment Report or on the other components of the Supplemental Work Plan that have been submitted. In addition to providing comment on the Draft Supplemental Soil Investigation Work Plan, EPA is also requiring additional work to be completed, pursuant to Paragraph 66 of the Order, as described below.

As we discussed on our conference call, the on-site sampling results identified areas where the soil exceeds the screening level criteria for some constituents established under the Work Plan. The constituents registering some of the highest concentration levels were ammonia (as N), nitrates, and fluorides. The extent of vertical contamination beyond the greatest depth at which samples were taken (generally at depths of 20 -24 feet) is not known.

The April 15, 2011 draft report states that borings SB-33 and SB-34 were advanced near the North Car Wash Sump, and that Boring SB-34 was moved from the proposed location due to inaccessibility. The report is not clear on where Boring SB-34 was moved to. Clarification as to the location where this boring was advanced and the samples obtained needs to be provided.

Sample location SB-25 (South Car Wash) within the main plant area was required to have been sampled per the Work Plan, but was not. The April 15, 2011 draft report identified above states that, "Proposed

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soil boring SB-25 was not completed as the location was inaccessible due to numerous underground and overhead utilities.” This location is also one where recent spills of fluids were identified by EPA during the August 2011 inspection. This location needs to be sampled. Although it may not be possible to transport a large sampling vehicle into the area without encountering structural interferences or damaging underground utilities, a less intrusive means for accessing that area and obtaining soil samples is to be utilized which does not interfere or damage utilities. For example, sampling the soil with small tooling can protect the integrity of any underground piping, liners, or other structures that may be present.

The April 15, 2011 draft report proposes a supplemental soil investigation in order to, “...fill in the identified data gaps from the initial phase of soil investigation and complete the site characterization with regards to the soil quality in areas of interest at the Site and evaluate the impacts to native soil caused by the release of materials during Facility operations.” Nu-West has proposed additional borings, the locations of which are summarized in Table 10-1 of the draft Section 10.1 Supplemental Soil Investigation, April 15, 2011 report. The draft report states that the borings will provide horizontal delineation for deep soil containing constituents above groundwater protection standards.

EPA believes that it makes better sense to conduct limited additional sampling in a few select areas, rather than expanding a horizontal soil sampling effort of the main plant area. The sampling will need to delineate and characterize the vertical extent of contamination at locations SB-24, SB-48, and SB-67 where the extent of vertical contamination beyond the greatest depth samples obtained thus far is not known

During the August 2011 inspection, EPA identified several locations within the main plant area where chemical products and cleaning wastes have been spilled and/or disposed of to the ground. The spills and disposal were identified subsequent to the April 15, 2011 report that documented the results of the on-site sampling conducted by Nu-West. Additional sampling of the recent spill areas is also needed.

During the August 2011 inspection, EPA also identified drainages and ditches at some spill areas that could facilitate the flow of surface rainwater runoff, snowmelt or other fluids to the subsurface. For example, there was a sign indicating the presence of a drain along the rail road tracks to the west of the Dry Products Storage building truck load-out area. Ditches were present alongside those railroad tracks and along perimeter portions of the Dry Products Storage building. There may be other drains present in those areas as well.

Based on the deficiencies identified above and pursuant to Paragraph 68 of the Order, EPA disapproves Section 10.1 of the Supplemental Work Plan (Supplemental Soil Investigation) submitted by letter, dated April 15, 2012. As required by Paragraph 68 of the Order, Nu-West shall submit to EPA for approval a revised document which addresses the comments provided above as follows.

The revised Work Plan shall provide a plan to delineate the vertical extent of contamination at locations SB-24, SB-48, and SB-67 beyond the maximum depth sample previously obtained at each location as reported in the April 15, 2011 report submitted to EPA.

The revised Work Plan shall provide sampling of the North and South Car Wash areas, and shall include at a minimum the following for each Car Wash Station: (1) surface soil samples from the four corner points adjacent to and at a distance of approximately two feet from the exterior of the concrete sump,

with samples obtained from increasing depth intervals per the June 29, 2010 Work Plan for each of these four sampling points, until interference with any underground structures or refusal (i.e.: encounter with basalt) is reached; (2) surface sample location that is to the east of the concrete sump and mid-point between the sump and the next pair of railroad tracks, with samples obtained from increasing depth intervals per the June 29, 2010 Work Plan for this sampling point, until interference with any underground structures or refusal is reached; (3) two additional sampling locations, of which one shall be located ten feet north of location [2] and the other ten feet south of location [2], with samples obtained from increasing depth intervals per the June 29, 2010 Work Plan until interference with any underground structures or refusal is reached.

Pursuant to Paragraph 66 of the Order, EPA has determined that additional work is necessary and requires that Nu-West prepare and submit a work plan for the additional work described below within 30 days of your receipt of this letter.

Surface and subsurface conveyances that either presently are serving as preferential conduits or could be potential future preferential conduits for pathways of contaminant migration need to be identified and assessed under the Work Plan.

Nu-West needs to characterize the potential pathways of contaminant migration at and around the Dry Products Storage building where spills of commercial products were identified during the August 2011 EPA inspection. The work plan shall provide for a photographic survey of the surface areas around the perimeter of the Dry Products Storage building, and for an investigation that will identify all surface runoff areas, drains, ditches, drywells, sumps, and other conveyances that have the potential to transport contaminated rainwater runoff or other fluids from the Dry Products Storage building where spills have occurred. Such survey and investigation shall extend to a minimum distance of one hundred (100) feet from the building structure. The work plan shall require a results report that includes a narrative description of the conveyances encountered, identifies their locations, includes photographic documentation of the areas, and provides engineering drawings of such conveyances (i.e. drywells, drainage ditches, etc.) if Nu-West presently has such drawings.

Nu-West shall ascertain whether releases of hazardous waste have occurred from the underground portions of the process sewer line(s), used to transport fluids to the Process Sewer Lagoon Pond, which lack secondary containment and could pose a threat to human health and the environment. The work plan shall provide for surveys of the underground portions of the process sewer line(s) in the form of video inspection, pressure test, other technical means, or any combination thereof capable of assessing the integrity of the pipelines and identifying breaches in containment.

This additional work is needed to ascertain the nature and extent of the hazards posed by the presence or release of hazardous waste at the facility. Elevated levels of contaminants have been detected in soils and in groundwater at wells MWA and MWB. In accordance with Paragraph 66 of the Order, Nu-West shall have the opportunity to meet or confer with EPA to discuss the additional work within 15 days of your receipt of this letter. Please contact me should you wish to make arrangements for a meeting or conference.

As we discussed on our conference call, EPA also requests that Nu-West update the Site Conceptual Model with the data and information that has been gathered to date from the different site surveys. EPA requests that this be provided within thirty (30) days.

If you have any questions, feel free to call me at (206) 553-2964. Alternatively, you may reach me via email at: [Magolske.Peter@epamail.epa.gov](mailto:Magolske.Peter@epamail.epa.gov). Thank you for your attention to this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Magolske", with a stylized flourish at the end.

Peter Magolske  
Air / RCRA Compliance Unit

cc: Brian Monson, Idaho Department of Environmental Quality  
P. Scott Burton, Esq. Hunton and Williams LLP